



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

MEETING DATE September 16, 2016 LOCAL EFFECTIVE DATE September 30, 2016 APPROX FINAL EFFECTIVE DATE October 21, 2016	CONTACT/PHONE Brandi Cummings, Project Manager 805-781-1006 bcummings@co.slo.ca.us	APPLICANT Jeff Papendorf	FILE NO. DRC2015-00112
SUBJECT A request by JEFF PAPENDORF for a Minor Use Permit/Coastal Development Permit (DRC2015-00112) to allow the construction of a 1,878 square-foot single-family residence with 418 square-foot attached garage and 206 square-feet of deck area. The proposed project will require the purchase and use of 296 Transferable Development Credits. The proposed project will result in the disturbance of the entire 3,500 square-foot parcel in the Residential Single Family land use category. The project site is located at 331 Norfolk Street, approximately 0.3 miles southwest of the Windsor Boulevard and CA Highway 1 intersection, in the community of Cambria. The site is located in the North Coast planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2015-00112 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION A Class 3 Categorical Exemption was issued on August 1, 2016.			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION Archaeologically Sensitive Area, Geologic Study Area, Local Coastal Plan, Terrestrial Habitat	ASSESSOR PARCEL NUMBER 022-171-020	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: Monterey Pine Forest Terrestrial Habitat (SRA), Water Conservation Requirements, Cambria Community Services District Review, Cambria Fire Department Review, Erosion Control, Landscaping, Exterior Lighting, Archaeological Resource Protection, Residential Single-Family Standards <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Local Coastal Program, Appeals to the Coastal Commission, Environmentally Sensitive Habitat, Geologic Study Area <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</small>			

EXISTING USES: Vacant	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Single Family/residences <i>East:</i> Residential Single Family/residences <i>South:</i> Residential Single Family/residences <i>West:</i> Residential Single Family/residences	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: North Coast Advisory Council, Public Works, Cambria Fire, Cambria Community Services District, and California Coastal Commission	
TOPOGRAPHY: Slightly sloping	VEGETATION: Grasses
PROPOSED SERVICES: Water supply: Cambria Community Services District Sewage Disposal: Cambria Community Services District Fire Protection: Cambria Fire	ACCEPTANCE DATE: July 21, 2016

DISCUSSION

The applicant is proposing to construct a two-story, four bedroom residence with an attached two-car garage. The project proposes to utilize a water meter ("active service transfer") from 2180 Andover Place, from a residence that had been destroyed by fire and demolished in 2015. The proposed project will require the purchase and use of 296 Transferable Development Credits (TDCs) to increase the allowable gross structural area.

WATER AVAILABILITY:

The proposed project ("receiver property") has received a Confirmation of Water & Sewer Availability letter from the Cambria Community Services District (CCSD) dated June 16, 2016. The CCSD is providing water to this project using an "active service transfer" from 2180 Andover Place ("sender property"). The sender property had been occupied by a single-family residence, which was destroyed by fire in 2012 and subsequently demolished in 2015.

Staff has determined that there is adequate water to serve the proposed project based on the CCSD's June 16, 2016 Confirmation of Water & Sewer Availability letter. The service transfer will ensure the project's water demand will not adversely impact the San Simeon or Santa Rosa Creek aquifers. The CCSD's issuance of a Confirmation of Water & Sewer Availability letter is consistent with the operation parameters of the brackish water treatment plant because the project would use a water connection that existed prior to the CCSD's Stage 3 Water Shortage Emergency and prior to issuance of the E-CDP (ZON2013-00589) for the brackish water treatment plant. Finally, as a condition of the active service transfer agreement, the sender site has been permanently retired. This will help forward Cambria's buildout reduction goals.

PLANNING AREA STANDARDS:

As described below, the project complies with applicable Combining Designations, Cambria Urban Area, and the Residential Single Family development standards of the North Coast Area Plan.

Monterey Pine Forest Terrestrial Habitat (SRA) (TH). The purpose of these standards is to minimize tree removal and avoid impacts to the sensitive Monterey pine forest habitat. All development within Monterey pine forest (TH) shall include the following minimum standards:

- A. **Establishment of a 'project limit area.'** A project limit area shall be established in a manner that avoids Monterey pine forest impacts to the maximum extent feasible, is located on the least sensitive portion of the site, and safeguards the biological continuance of the habitat. The project limit area shall include all areas of the site where vegetation will need to be trimmed or removed for fire safety purposes.
- B. **New Development siting.** Applications for new development within the Monterey pine forest shall demonstrate that no native vegetation outside the "project limit area" shall be removed, except for trees identified as hazardous by a qualified professional.
- C. **Plan Requirements.** All site, construction and grading plans submitted to the County shall identify by species and diameter all Monterey pine trees that are six inches or more in diameter 4.5 feet above ground and oak trees four inches or more in diameter 4.5 feet above ground identified by species and diameter. The plans shall indicate which trees are to be retained and which trees are proposed for removal.
- D. **Construction Practices.** Construction practices to protect Monterey pines, oak trees and significant understory vegetation shall be implemented.
- E. **Replacement of Vegetation.** Any Monterey pine trees that are six inches or more in diameter 4.5 feet above the ground shall be replaced at a 4:1 ratio for each tree removed, and at a 2:1 ratio for each tree impacted but not removed. Any oak trees that are four inches in diameter 4.5 feet above ground shall be replaced at a 6:1 ratio for each tree removed, and at a ratio of 3:1 ratio for each tree impacted but not removed. All open areas of the site disturbed by project construction are to be seeded with native, drought and fire resistant species that are compatible with the habitat value of the surrounding forest.
- F. **Understory Vegetation Removal.** No understory vegetation shall be removed until a permit has been issued or unless an immediate hazardous condition exists. Understory vegetation removal to create, improve, or maintain adequate defensible space and Fire Hazard Fuel Reduction shall be the minimum necessary

Staff comments: The proposed project complies with this standard because there are no Monterey pines or oak trees on site and no Monterey pines or oak trees will be impacted during construction.

Limitation on Development

- A. Water Service in Cambria. Until such time as may be otherwise authorized through a coastal development permit approving a major public works project involving new potable water sources for Cambria, new development not using CCSD connections or water service commitments existing as of November 15, 2001 (including those recognized as "pipeline projects" by the Coastal Commission on December 12, 2002 in

coastal development permits A-3-SLO-02-050 and A-3-SLO-02-073, shall assure no adverse impacts to Santa Rosa and San Simeon Creeks;

- B. Water Conservation Requirements. New development resulting in increased water use shall offset such increase through the retrofit of existing water fixtures within the Cambria Community Service District's service area, or through other verifiable actions to reduce existing water use in the service area. All coastal development permits authorizing such development shall be conditioned to require applicants to provide to the Planning Director for review and approval prior to construction, written evidence of compliance with CCSD Ordinance 1-98, as approved by the CCSD Board of Directors on January 26, 1998, and modified on November 14, 2002, and as codified in the CCSD Code Chapter 4.20 in 2004. Prior to application acceptance, land use and building permit applications shall include a written verification of water and sewer service from the CCSD. Also prior to final building inspection the applicant shall submit a water and sewer service condition compliance letter from the CCSD.

Staff comments: The proposed project is consistent with this standard because the proposed project would be using a CCSD water service commitment for an active service transfer, issued on June 16, 2016. The transfer is from a residence that was established and in use prior to November 15, 2001. The service transfer will ensure the project's water demand will not adversely impact the San Simeon or Santa Rosa Creek aquifers. The CCSD's issuance of a Confirmation of Water & Sewer Availability letter is consistent with the operation parameters of the brackish water treatment plant because the project would use a water connection that existed prior to the CCSD's Stage 3 Water Shortage Emergency and prior to issuance of the E-CDP (ZON2013-00589) for the brackish water treatment plant. Finally, as a condition of the active service transfer agreement, the sender site has been permanently retired. This will help forward Cambria's buildout reduction goals.

Cambria Community Services District Review. Prior to application acceptance, land use and building permit applications shall include a written verification of water and sewer service from the Cambria Community Services District. A water and sewer service condition compliance letter from the Cambria Community Services District shall be provided to the Department of Planning and Building prior to final building inspection.

Staff comments: The proposed project is consistent with this standard because the applicant submitted a Confirmation of Water & Sewer Availability letter from the Cambria Community Services District dated June 16, 2016.

Cambria Fire Department Review. All new development shall comply with applicable state and local Cambria fire codes. Prior to application acceptance, land use and building permit applications shall include a fire plan review from the Cambria Fire Department.

Staff comments: The applicant submitted a Fire Plan Review from the Cambria Fire Department dated June 16, 2016.

Erosion Control. In addition to other applicable requirements of the Coastal Zone Land Use Ordinance, all runoff from impervious surfaces such as roofs, driveways, walks, patios, and/or decks shall be collected and retained on-site to the greatest extent possible. Run-off not able to be retained on-site shall be passed through an effective erosion control device or filtration

system approved by the Public Works Department. Impermeable surfaces should be minimized in order to maximize the amount of on-site run-off infiltration.

Staff comments: The applicant is required and conditioned to submit drainage, erosion, and sedimentation control plans at the time of construction permit application.

Landscaping. All areas of the site disturbed by project construction shall be revegetated with native, drought and fire resistant species that are compatible with the habitat values of the surrounding forest. Non-native, invasive, fire prone, and water intensive (i.e. turf grass) landscaping shall be prohibited on the entire site. All landscaping and construction practices shall work to maintain and regenerate habitat values. Plant materials shall be used to mimic or enhance naturally occurring vegetation. Materials shall be propagated from appropriate native stock to ensure that the gene pool is not diluted for endemic species. This is particularly true for Monterey Pines and riparian plantings. A list of prohibited plants, such as Pampas grass and Scotch broom, is available from the Department of Planning and Building. Use of plants listed in the California Invasive Plant Council (Cal IPC) Invasive Plant Inventory is prohibited.

Staff comments: This project is conditioned to provide a landscape plan at time of construction permit application.

Exterior Lighting. Use only the minimum amount necessary to achieve essential illumination. All light fixtures, including security lighting, shall be aimed and shielded so that the direct illumination shall be confined to the property boundaries source. Particular care is to be taken to assure that the direct illumination does not fall onto or across any public or private street or road. Motion sensing light fixtures shall be fully shielded and properly adjusted, according to the manufacturer's instructions, to turn off when detected motion ceases. All light fixtures are required to be fully shielded.

Staff comments: No exterior lighting is proposed at this time. Lighting plans will be checked at time of construction permit application for compliance with this standard.

Archaeological Resource Protection. New development projects that have the potential to impact archaeological resources shall be referred to the affected Native American tribe. In the event archaeological resources are unearthed or discovered during any construction activities, construction activities shall cease and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law. Construction activities shall not commence until a mitigation plan, prepared by a qualified professional archaeologist in consultation with appropriate Native American representatives and reviewed and approved by the Planning Director, is completed and implemented. The mitigation plan shall include measures to avoid the resources to the maximum degree feasible and shall provide mitigation for unavoidable impacts. A report verifying that the approved mitigation plan has been completed shall be submitted to the Planning Director prior to occupancy or final inspection, whichever occurs first. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

Staff comments: Applicant submitted an Archaeological Surface Survey (Heritage Discoveries, Inc., May 19, 2016). The report “yielded negative results for the presence of cultural resources. The archaeological records search also determined that numerous previous archaeological surface surveys on nearby lots also had negative results for prehistoric archaeological materials.” This project complies with this standard and is conditioned to cease construction in the event archaeological resources are uncovered.

Residential Single-Family

The following table shows the project’s compliance with the applicable setbacks, height, gross structural area (GSA), and footprint standards of the North Coast Area Plan:

Lot Size: 3,500 square feet
 Area: Typical Lot
 Oversized lot adjustment: n/a

Slope: approximately 10%
 Number of trees to be removed: 0
 Base: 3,500 SF Footprint

PROJECT REVIEW	ALLOWABLE	TOTAL PROPOSED	STATUS
FOOTPRINT (SQUARE FEET)	1,300	1,296	OK
GSA (SQUARE FEET)	2,000	2,296	OK with TDCs
HEIGHT (FEET)	28	28	OK
TRANSFER DEVELOPMENT CREDITS	300	296	OK
DECKS (SQUARE FEET)			
PERMEABLE	390	156	OK
SOLID	130	50	OK
SETBACKS (FEET)			
FRONT AND REAR COMBINED	25	25	OK
FRONT	10	15	OK
REAR	10	10	OK
SIDE	5	5 (right) 7 (left)	OK
SIDES COMBINED (FOR LOTS W/50 FEET OR GREATER FRONTAGE)	12	12	OK

Transfer of Development Credits. The Transfer of Development Credit Program (TDC’s) may be used to transfer allowable footprint and GSA for lots within certain areas to more suitable sites within Cambria.

(1) Eligible Purchasers of TDC'S. Purchasers of TDC's may include the following:

a. Owners of small lots within Lodge Hill. Through the transfer of development credits (TDC's), owners of property on Lodge Hill (specifically those areas

identified as West Lodge Hill and East Lodge Hill) may be allowed an increase in the allowable footprint and gross structural area on their property.

b. Owners of other small lot properties within the Cambria Urban Reserve Line. Properties with sewer or water service by the Cambria Community Services District (CCSD), may participate in the TDC Program (May include Park Hill and Happy Hill).

c. Other properties. Owners of properties that have been required by planning area standards, conditions of development approval, or other provisions of the Local Coastal Program to offset impacts of development through purchase of TDC's may also participate.

(2) Payment of Fees. Under this program, a fee may be paid to the Land Conservancy of San Luis Obispo County or another TDC program administrator approved by the Director of Planning and Building. The fee must be adequate to allow for purchase of typical lots within the preservation (special study) areas, plus sewer assessments and administrative costs.

(3) Resale Provisions. With the concentration of purchases in specific preservation areas, the program may propose lot consolidation and eventual sale of portions of the preserved area to adjacent property owners. The preserved areas sold to adjacent property owners shall be consolidated with the adjacent property and guaranteed to maintain as open space through a recorded, permanent open-space easement granted to the county. Money collected from the sale of the preserved areas shall be used for the retirement of additional lots.

Staff comments: The project proposes to utilize 296 TDCs to increase the allowed gross structural area of the project. The parcel is eligible to utilize up to 300 TDCs and proposes to use 296, and therefore complies with this standard. The project is conditioned to provide proof of TDC purchase at the time of construction permit application.

Parking and Access Standards. Two off-street spaces are required for each single-family dwelling. At least one space shall be covered (garage or carport), and the other space may be located within the front setback.

Staff comments: The proposed project includes a two-car garage and complies with this standard.

Residential Design Criteria. The North Coast Area Plan contains discretionary design criteria for single-family residential development in Cambria. As described below, the proposed residence is consistent with applicable design criteria.

A. **Impermeable Surfaces.** The project will result in approximately 1,450 square-feet of new impermeable area. The project proposed to utilize a stone and sand grout driveway to increase permeable area. The project is conditioned to submit a Storm Water Control Plan Application and Coversheet at the time of construction permit application.

- B. **Parking Drives and Garages.** The proposed project provides for a two-car garage, driveway, and approach. Though prominent the garage does not dominate the design of the residence.
- C. **Topography.** The subject parcel is gently sloping, with an average slope of 10%. The proposed project will not result in abrupt grade changes.
- D. **Drainage.** The project complies with this guideline as it will be designed and constructed to retain water on-site, and the project is conditioned to provide a drainage plan, consistent with the North Coast planning area standards, to Public Works for review and approval. The project is proposing an onsite water retention basin.
- E. **Building Design Standards.** The proposed residence and garage include articulation to break up the bulk of the structure, compatible in design and materials with the neighborhood design patterns. The design has a low pitched roof and is utilizing various heights and styles to prevent massing.

COASTAL ZONE LAND USE ORDINANCE STANDARDS:

Section 23.07.120: Local Coastal Program

The project site is located within the California Coastal Zone as established by the California Coastal Act of 1976, and is subject to the provisions of the Local Coastal Program.

Section 23.01.043c.(3)(i): Appeals to the Coastal Commission (Coastal Appealable Zone)

The project is appealable to the Coastal Commission because the subject parcel is located in an Environmentally Sensitive Habitat Area (Terrestrial Habitat).

Section 23.07.170.e(1-5) Environmentally Sensitive Habitat (ESH) Development Standards

1. New development within or adjacent to the habitat shall not significantly disrupt the resource.
2. New development within the habitat shall be limited to those uses that are dependent upon the resource.
3. Where feasible, damaged habitats shall be restored as a condition of development approval.
4. Development shall be consistent with the biological continuance of the habitat.
5. Grading adjacent to Environmentally Sensitive Habitats shall conform to the provisions of Section 23.05.034.c (Grading Standards.)

Staff comments: The proposed single-family residence meets these standards because no Monterey pines or oak trees are on site.

Section 23.07.080: Geologic Study Area

The project site is located within the Geologic Study Area (GSA) combining designation, and is subject to the provisions of the CZULO. All land use permit applications for projects located

within a Geologic Study Area (except those exempted by Section 23.07.082) shall be accompanied by a report prepared by a certified engineering geologist and/or registered civil engineer (as to soils engineering), as appropriate.

Staff comments: CZLUO Section 23.07.082 exempts one single-family residence, not exceeding two stories, when not subject to high landslide or liquefaction. A Soils Engineering Report was not required for this project as the project site is not located within a high landslide or liquefaction area, and is located on a relatively flat site.

COASTAL PLAN POLICIES:

Shoreline Access: N/A

Recreation and Visitor Serving: N/A

Energy and Industrial Development: N/A

Commercial Fishing, Recreational Boating and Port Facilities: N/A

Environmentally Sensitive Habitats: ☒ Policy No(s): 1, 3, 29, and 30

Agriculture: N/A

Public Works: ☒ Policy No: 1

Coastal Watersheds: ☒ Policy No(s): 8, 9, 10, and 11

Visual and Scenic Resources: ☒ Policy No(s): 1 and 2

Hazards: N/A

Archeology: ☒ Policy No(s): 1, 4, and 6

Air Quality: N/A

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

COASTAL PLAN POLICY DISCUSSION:

Environmentally Sensitive Habitats:

Policy 1: Land Uses Within or Adjacent to Environmentally Sensitive Habitats: *The proposed project is consistent with this policy because no Monterey pines or oak trees are on site.*

Policy 3: Habitat Restoration: *The proposed project is consistent with this policy because no Monterey pines or oak trees are on site.*

Policy 29: Protection of Terrestrial Habitats: *The project is consistent with this policy because no Monterey pines or oak trees are on site.*

Policy 30: Protection of Native Vegetation: *The project is consistent with this policy because no Monterey pines or oak trees are on site.*

Public Works:

Policy 1: Availability of Service Capacity. *The proposed project is consistent with this policy because this project would use an "active service transfer" from 2180 Andover Place ("sender property"). Furthermore, since the project would be using a water connection that the CCSD considered active since before 2001, the project's water usage is already anticipated in the CCSD's outstanding commitments to existing lots.*

Coastal Watersheds:

Policy 8: Timing of Construction and Grading. *The proposed project is conditioned to comply with this policy as the project shall have an erosion and sedimentation control plan where grading is conducted or left in an unfinished state during the period from October 15 through April 15.*

Policy 9: Techniques for Minimizing Sedimentation. *The proposed project is conditioned to comply with this policy as the applicant shall apply Best Management Practices in the selection and implementation of site maintenance.*

Policy 10: Drainage Provisions. *The proposed project is conditioned to comply with this policy as the applicant shall provide a drainage plan to San Luis Obispo County Public Works Department for review and approval, and shall implement the approved drainage plan, showing that construction of the guesthouse and garage will not increase erosion or runoff.*

Policy 11: Preserving Groundwater Recharge. *The proposed project is consistent with this policy as the project shall retain groundwater on-site to the extent feasible.*

Visual and Scenic Resources:

Policy 1: Protection of Visual and Scenic Resources. *The proposed project complies with this policy, as the project will be developed on a residential lot. The lot is within a developed section of Cambria and shall be in character and scale with the surrounding neighborhood, and will not significantly block existing scenic vistas.*

Policy 2: Site Selection for New Development. *The proposed project complies with this standard, as the proposed residence will be developed on an existing residential lot, and the development will not block existing public views.*

Archaeology

Policy 1: Protection of Archaeological Resources. *Applicant submitted an Archaeological Surface Survey (Heritage Discoveries, Inc., May 19, 2016). The report "yielded negative results for the presence of cultural resources. The archaeological records search also determined that numerous previous archaeological surface surveys on nearby lots also had negative results for prehistoric archaeological materials." This project complies with this standard and is conditioned to cease construction in the event archaeological resources are uncovered.*

Policy 4: Preliminary Site Survey for Development within Archeologically Sensitive Areas. *Applicant submitted an Archaeological Surface Survey (Heritage Discoveries, Inc., May 19, 2016). The report "yielded negative results for the presence of cultural resources. The archaeological records search also determined that numerous previous archaeological surface surveys on nearby lots also had negative results for prehistoric archaeological materials." This project complies with this standard and is conditioned to cease construction in the event archaeological resources are uncovered.*

Policy 6: Archaeological Resources Discovered during Construction or through Other Activities. *The proposed project is conditioned to comply with this standard.*

COMMUNITY ADVISORY GROUP COMMENTS:

The North Coast Advisory Council (NCAC) considered this item at their May 18, 2016 regular meeting. The NCAC voted to recommend approval of this project with the suggestion of highlighting the stucco exterior with textural elements.

AGENCY REVIEW:

Public Works – Per attached referral response (Tomlinson, April 22, 2016), the proposed project requires a drainage plan, storm water control plan, erosion and sedimentation plan, and encroachment permit, and is subject to the North Coast Road Impact fee.

Building Division – Per attached referral response (Stoker, April 18, 2016), the proposed project shall comply with all applicable building and safety codes.

Cambria Fire – Fire Plan review provided.

Cambria Community Services District – See attached Confirmation of Water & Sewer Availability letter, dated June 16, 2016.

California Coastal Commission – No response.

LEGAL LOT STATUS:

The one existing lot is Lots 57 and 58 of Block 54 of Cambria Pines Unit 5 and was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Brandi Cummings and reviewed by Airlin M. Singewald.